

RE: 38 Heaton Avenue, Romford RM3 7HB

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

- TO:**
1. The Owner of the said land and property
 2. The Occupier of the said land and property
 3. Nicola Louise Saunter of 38 Heaton Avenue, Romford RM3 7HB
 4. The Governor and Company of the Bank of Ireland (Incorporated in Ireland) (UK Co. Regn. No. FC007248) of Bristol and West Mortgages, P.O. Box 27, One Temple Quay, Bristol BS99 7AX
 5. Bristol and West PLC (UK Co. Regn. No. 02124201) of One Temple Back East, Temple Quay, Bristol BS1 6DX
 6. Bank of Ireland, PO Box 27, 1 Temple Quay, Bristol BS99 7AX
 7. The Governor and Company of the Bank of Ireland, 12 Trevor Hill Street, Newry BT34 1DT

ISSUED BY: London Borough of Havering

1. **THIS IS A FORMAL NOTICE** which is issued by the London Borough of Havering ("the Council") because it appears to the Council that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. The Council considers that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

The land and property known as 38 Heaton Avenue, Romford RM3 7HB (registered under title no. EGL51067) and shown outlined in bold black on the attached plan ("the Property").

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the construction of an unauthorised dormer widow in the rear roof of the Property ("the Dormer").

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last four years.

The size and position of the Dormer complies with the criteria set out in the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 1 Class B and supporting Technical Guidance ("GPO").

The Dormer fails to comply with the criteria set by the GPO in that the materials used in the exterior work and finish of the Dormer are not of a similar appearance to those used in the construction of the exterior of the existing roof of the Property. Instead of being finished off in tiles to match the existing roof of the Property the Dormer has been completed and finished off in render and painted cream.

The Dormer by reason of its inappropriate finish is overbearing, visually intrusive and appears out of character with the Property and neighbouring properties. The Dormer detracts from the residential amenity of the rear garden environment of the Property and of neighbouring properties.

The Dormer is contrary to policies DC61 (Design) of the Council's Local Development Framework Core Strategy and the Supplementary Design Guidance (Residential Extensions and Alterations).

The Council do not consider that planning permission should be given because planning conditions could not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Carry out the remedial works required to bring the Dormer within the criteria of the GPO by finishing the Dormer in materials of similar colour and design to match the materials used in the existing roof of the Property.

Time for compliance: 6 months from the effective date of this notice.

- (ii) Remove from the land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance with (i) and above.

Time for compliance: 6 months from the effective date of this notice.

6. **WHEN THIS NOTICE TAKES EFFECT**

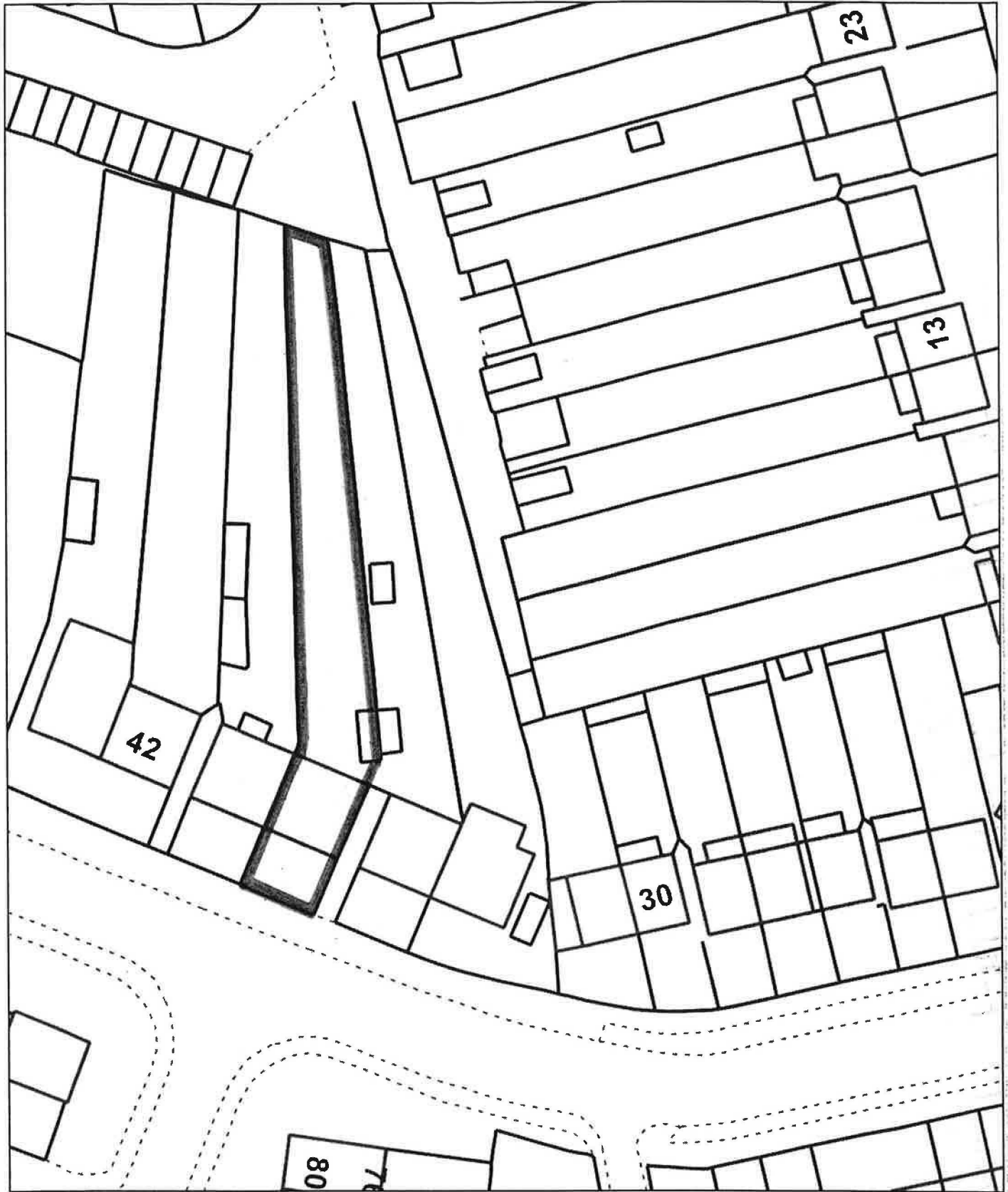
This Notice takes effect on 28 February 2014, unless an appeal is made against it beforehand

Dated: 17 January 2014

Signed:

A handwritten signature in black ink, appearing to read 'Vincent J. Healy', written in a cursive style.

Authorised Officer
on behalf of London Borough of
Havering
Town Hall
Main Road, Romford RM1 3BD



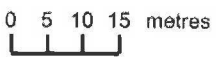
38 HEATON AVENUE, ROMFORD RM3 7HB








Scale: 1:512
 Date: 20 December 2013
 Size: A4




 London Borough of Havering
 Town Hall, Main Road
 Romford, RM1 3BD
 Tel: 01708 434343

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 Ordnance Survey 100024327

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by 28 February 2014. Further details are given in the attached explanatory note.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 28 February 2014 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the Notice.

FAILURE TO COMPLY WITH AN ENFORCEMENT NOTICE WHICH HAS TAKEN EFFECT CAN RESULT IN PROSECUTION AND/OR REMEDIAL ACTION BY THE COUNCIL.

EXPLANATORY NOTES

STATUTORY PROVISIONS

A summary of Sections 171A, 171B and 172 to 177 of the Town and Country Planning Act 1990 (as amended) is enclosed with this Notice.

YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be in writing and received, or posted (with the postage paid and properly addressed) in time to be received in the ordinary course of the post, by the Secretary of State before 28 February 2014.

If you intend to appeal against this Notice you should follow the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice.

GROUND OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the Notice, planning permission ought to be granted, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the Enforcement Notice were not served as required by section 172;
- (f) that steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all these grounds may be relevant to you.

PLANNING APPLICATION FEE

If you intend to appeal against the notice on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £344.00 is payable to the Council. If the fee is not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring him, a statement in writing specifying the grounds on which you are appealing against the enforcement notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

RECIPIENTS OF THE ENFORCEMENT NOTICE

The names and addresses of all the persons on whom the Enforcement Notice has been served are:

1. The Owner of the said land and property.
2. The Occupier of the said land and property.
3. Nicola Louise Saunter of 38 Heaton Avenue, Romford RM3 7HB
4. The Governor and Company of the Bank of Ireland (Incorporated in Ireland) (UK Co. Regn. No. FC007248) of Bristol and West Mortgages, P.O. Box 27, One Temple Quay, Bristol BS99 7AX
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